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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,981	12/10/2003	Atsushi Yamaguchi	041465-5114-01	5132
9629	7590	11/16/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			TRAN, THANG V	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,981	YAMAGUCHI ET AL.	
	Examiner	Art Unit	
	Thang V. Tran	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11,13,14,16,17,20,22,24-26,28,30-32 and 34 is/are rejected.
- 7) ☒ Claim(s) 12,15,18,19,21,23,27,29 and 33 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/911,424.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 13, 14, 16, 17, 20, 22, 24-26, 28, 30-32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogata et al. (US 5,940,364).

Regarding claim 11, see Figs. 14-16 and 20 of Ogata et al. which show a recording medium (see Fig. 20) comprising; a first area (201 or 202) including meandering groove tracks (see Fig. 16a) on which information is recorded; and a second area (211 or 212) where a phase pit string corresponding to control data is arranged meanderingly (see Fig. 15a), and wherein the meandering amplitude of the second area is different from the meandering amplitude of the first area (see column 13, lines 53-66 and column 15, lines 59-21).

Regarding claims 13 and 16, see area 201 or 202 in Fig. 20 which groove or pit string which has an amplitude different from the area 211 or 212 (see column 15, lines 59-21).

Regarding claims 14 and 20, see column 15, lines 59-21 and it is further noted that if the second and third areas are set to have the same meandering groove, the output level of the wobble groove signals extracted therefrom are approximately equal to that extracted from the first area (see Fig. 17a and 17b and column 13, lines 23-38).

Regarding claim 17, see pit 9 in Figs. 15a, 15b and groove in 16a, 16b.

Regarding claims 22 and 28, see the rejection applied to claim 11 above and further see Fig. 4 or 5.

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Regarding claims 24-26 and 30-32, see the rejection applied to claims 11 and 13 above and further see Fig. 4 or 5.

Regarding claim 34, see the rejection applied to claim 11 above and further see Fig. 7, 8 or 12 and Fig. 21.

Allowable Subject Matter

3. Claims 12, 15, 18, 19, 21, 23, 27, 29 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 12, 15, 18, 19, 21, 23, 27, 29 and 33 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fair teach an recording medium including a combination of all limitations as particularly recited in each of claims 12, 15, 18, 19, 21, 23, 27, 29 and 33.

Cited references


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a recording medium having a first area including A a wobble groove and a second area including a second wobble groove or phase pit string whose wobble amplitude is different from that of the first area.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on M-F 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653